



PALESTINE ACTION

Hard time

IT'S been a bad fortnight for the right to protest. First, Mr Justice (Jeremy) Johnson sentenced the Filton Four – the Palestine Action activists who went on a £1m wrecking spree at an Israeli-owned Elbit Systems drone factory – as terrorists.

Charlotte Head, Samuel Corner, Leona Kamio and Fatema Rajwani were tried and convicted for criminal damage (*Eye* 1675) at a retrial at Woolwich crown court in May, after the first jury was hung on some counts and acquitted on others.

It was the first time a terrorist connection provision had ever been added at sentencing for any crime that did not involve violence or violent threats towards a person. (Corner was also convicted of GBH after fracturing the spine of a female police officer with a sledgehammer, though that was not sentenced as terrorism due to the jury finding no intent.)

This was followed by the reversal of the high court's ruling that proscribing Palestine Action as a terrorist organisation was unlawful, which prompted another wave of arrests of people peacefully holding signs. There are now more than 3,000 of them in the already overwhelmed criminal justice system. Human Rights Watch noted the "misuse of counterterrorism powers to stifle dissent" places the UK alongside Sri Lanka, India and Turkey.

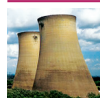
Then, last Friday, barrister Rajiv Menon KC sat in the high court with his head in his hands as his own counsel spoke to the heavy toll he had suffered following Mr Justice Johnson's pursual of contempt charges against him for "breaching his directions" on six occasions while defending his Filton client Charlotte Head – a legal first.

Johnson claims Menon defied his ruling not to mention jury equity – the principle that a jury can acquit according to their convictions (or conscience). Menon insists he consulted

eminent colleagues and drafted his closing speeches with great delicacy to avoid any breach, telling jurors they must not defy the judge's orders but that the decision was theirs.

Menon's barrister Adrian Waterman KC also warned of the "chilling effect" a conviction would have on the justice system and counsel's rights to absolute privilege, to robustly defend their clients and push the boundaries while remaining within judges' directions and rulings.

Menon faces up to two years in prison and an end to his illustrious career. In criminal contempt, the judge can act as investigator, prosecutor and arbitrator. Mr Justice Johnson retired to consider his decision on whether there is a case to answer and a public interest in doing so.



DRAX

FC All

AFTER nine months of investigation into whether tree-burning power company Drax made culpably misleading statements to investors, the Financial Conduct Authority (FCA) has concluded that it didn't, *Old Sparky* writes.

In a short press release, the FCA emphasised that its self-imposed remit was narrow – looking at three specific annual reports – and apparently "there's nothing to see here, move along". So that's all right, then. Doubtless the FCA was able to reconcile Drax's statements to shareholders that, for example, the notorious KPMG report (*Eyes passim*) found nothing materially wrong with Drax's statutory reporting, with Ofgem's £25m fine for, er, delinquencies in its statutory reporting shortly thereafter.

The abrupt closure of the FCA investigation on the day of the Makerfield by-election is felicitous for energy secretary Ed Miliband. At this sensitive juncture in Labour party politics, he will be delighted the FCA didn't come up with reasons for questioning his judgement last

year when he gratuitously prolonged Drax's multi-billion-pound bungs by another four years. For its part, the FCA is acutely aware that it might soon be reporting to *chancellor* Miliband.

The episode is an embarrassment for the FCA. In the past two years, it has purposefully reduced the number of full-scale investigations it mounts in order to concentrate on egregious cases. Over the past nine months, Drax was one of only three such inquiries, suggesting the authority made an error of judgement in committing scarce resources to something where, in terms of just those three annual reports, all the relevant facts were known at the outset (*Eyes passim ad nauseam*).

Curiously, just as the FCA was coming out with its good news, there were panic meetings of Drax senior executives, who are troubled by a rash of new questions being asked by journalists about Drax's exposure to its many US interests.

HIGH PRINCIPALS

Burden of prof

A WOMAN at the centre of a sexual misconduct scandal at Oxford University (*Eyes passim*) has won the right to a judicial review to force Thames Valley Police to reconsider its decision not to charge a professor she accused of rape.

The professor denies any wrongdoing. The high court heard the woman academic recorded the alleged rapist making admissions and gave the evidence to investigating officers. The police failed to ask the Crown Prosecution Service for early advice, as required in such cases where there is an identified suspect of rape, and threw it out without charging him (*Eye* 1663).

The force maintained its position, even after the victim twice exercised their right to review, saying there was insufficient evidence for a realistic chance of prosecution.

A judge has now given permission for the woman to bring a judicial review.

MENTAL HEALTH

Points of contact

IN the weeks before he went missing from a hospital ward, despite being sectioned and visibly so unwell he was staggering, former accountant James Stow (pictured) repeatedly begged staff to contact his sister, Claire. Nobody did. His body was later found in woods just metres from her south London home – but she only learned he was dead a year later.



James had suffered a mental collapse which evidence now suggests could have been linked to an undiagnosed degenerative brain condition. It had left him temporarily estranged from his family. Claire would have run to his side if she had known he was ready to reconcile, but she was never given the chance. Instead, the hospital staff called his father – who lives 200 miles away and has dementia – months into his detention.

"The documents show James kept telling them I was his next of kin," Claire told the *Eye*. "He gave them my address again and again. He must have thought I didn't care."

It has taken nearly five years and the family's tireless campaign for an inquest jury to record a litany of failings in his care. None of the services found to have made mistakes will be held to account, however, because James was missing for so long before his body was found that there was no evidence of exactly how he died.

Claire said: "It feels like they have got away with it precisely because they collectively let

him down so badly. They all blamed each other and it feels as though nothing has been learned."

James was detained at Lambeth Hospital, run by South London and Maudsley NHS Foundation Trust (SLaM), in May 2021. That September, the ward manager recorded serious concerns of possible negligence because his risk assessment and care plan were more than six weeks out of date and nobody had addressed safeguarding concerns after he was badly assaulted by another patient. He had lost two stone in a month and had dangerously low blood pressure and high heart rate.

Ten days later, James walked out on a half-hour unescorted leave pass, with no recorded risk assessment into his physical and mental health despite documented concerns about his sudden deterioration. He was found collapsed in the street hours later and taken to Croydon University Hospital (CUH), where he was diagnosed with sepsis and cardiogenic shock. Hospital photographs show bruising and pressure sores which have never been explained.

SLaM refused to provide a psychiatric one-to-one nurse on the medical ward as legally required and requested by CUH – a factor the inquest jury said may have contributed to his death. The trust accepted the failure but did not apologise.

A week after his admission, James absconded and was reported missing. SLaM wrongly told police it didn't have an address for Claire.

The Metropolitan Police said it had not searched for him because his sectioning was lifted, removing its right to detain him, and stood by its actions at the inquest. In fact, SLaM rescinded James's sectioning seven weeks after he disappeared, despite having no idea where he was or what state he was in. Someone ticked a

box saying he had been informed. In fact, he was almost certainly already dead.

His body was found in November 2021 but was only identified using DNA in January 2023. Nobody told the family. Claire learned he was missing from a poster in September 2022 and only found out he was dead when she put out a Facebook appeal.

It was only down to Claire's unearthing of vital information – such as James's sectioning, which had not been shared with the coroner – that a full jury inquest was held. She said: "It would have been swept under the carpet. They seemed to assume he was an unloved homeless man and nobody would care. I thought the inquest would be the big reveal, that those who had let him down would be held accountable. They didn't care when he was alive. They cared even less after he died."

Vanessa Smith, chief nurse at SLaM, said the trust had investigated circumstances around the tragedy, made changes which were recognised at the inquest, and had commissioned an independent review of the family's complaint, adding: "We offer our sincere condolences to Mr Stow's family and are sorry for their pain and distress." Better late than never.

In February, the Care Quality Commission downgraded SLaM from "good" to "requires improvement" following inspections of its acute wards and crisis services in the wake of two self-harm-related deaths. The hospital has launched a roadmap to improve performance including one-to-one escorting nurses.

Claire said: "I speak to other families who the trust has let down like us; they don't seem to learn. There needs to be a review, as there has been in Essex under the Lampard Inquiry."